



PUBLIC NOTICE

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DA 07-878
February 27, 2007

**Petition of Core Communications, Inc. for Forbearance Under 47 U.S.C. § 160(c) from Application
of the *ISP Remand Order***

WC Docket No. 03-171

NOTICE OF PROCEEDING TERMINATION

On October 8, 2004, the Commission adopted an order granting in part and denying in part a petition for forbearance filed by Core Communications, Inc. (Core)¹ regarding application of the Commission's *ISP Remand Order*.² Two parties, SBC Communications Inc. (SBC) and Qwest Corporation (Qwest), filed petitions for reconsideration of the *Core Forbearance Order* within the 30-day period established pursuant to section 1.429 of the Commission's rules.³ SBC filed its petition for reconsideration on November 17, 2004,⁴ and SBC's successor company, AT&T, withdrew that petition on July 18, 2006.⁵ Qwest filed a conditional petition for reconsideration on November 10, 2004⁶ and withdrew its petition on January 23, 2007.⁷ There are no pending petitions for reconsideration of the *Core*

¹ *Petition of Core Communications, Inc. for Forbearance Under 47 U.S.C. § 160(c) from Application of the ISP Remand Order*, WC Docket No. 03-171, Order, 19 FCC Rcd 20179 (2004) (*Core Forbearance Order*).

² *Intercarrier Compensation for ISP-Bound Traffic*, CC Docket No. 01-92, Order on Remand and Report and Order, 16 FCC Rcd 9151 (2001) (*ISP Remand Order*), remanded, *WorldCom v. FCC*, 288 F.3d 429 (D.C. Cir. 2002), cert. denied, 538 U.S. 1012 (2003). Although the court rejected the legal authority upon which the Commission based its rules, the court did not vacate the *ISP Remand Order*.

³ 47 C.F.R. § 1.429(d).

⁴ Core Communications, Inc. Petition for Forbearance Under 47 U.S.C. § 160(c) from Application of the ISP Remand Order, WC Docket No. 03-171, Petition for Reconsideration of SBC Communications, Inc. (filed Nov. 17, 2004) (SBC Petition).

⁵ Letter from Jim Lamoureux, General Attorney, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-171 (filed July 18, 2006).

⁶ Core Communications, Inc. Petition for Forbearance Under 47 U.S.C. § 160(c) from Application of the *ISP Remand Order*, WC Docket No. 03-171, Conditional Petition for Reconsideration of Qwest Corporation (filed Nov. 10, 2004) (Qwest Petition).

⁷ Core Communications, Inc. Petition for Forbearance Under 47 U.S.C. § 160(c) from Application of the ISP Remand Order, WC Docket No. 03-171, Qwest Corporation Withdrawal of Conditional Petition for Reconsideration (filed Jan. 23, 2007).

Forbearance Order.⁸ Therefore, the proceeding will be terminated effective 30 days after publication of this Public Notice in the Federal Register, unless the Wireline Competition Bureau receives an opposition to the termination before that date.

Parties opposing the termination of this proceeding may file an opposition using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.⁹

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

⁸ On January 9, 2007, Core filed a request for a determination in the pending Qwest reconsideration proceeding as to whether Core's petition was deemed granted by operation of law pursuant to section 10(c) of the Act, 47 U.S.C. § 160(c). Core Communication Inc.'s Request for a Determination in Pending Reconsideration Proceeding as to Whether Core's Forbearance Petition was Conclusively "Deemed Granted" by Operation of 47 U.S.C. § 160(c), WC Docket No. 03-171 (filed Jan. 9, 2007). Core did not, however, file a timely petition for reconsideration of the *Core Forbearance Order* pursuant to section 405 of the Act, or section 1.429 of the Commission's rules. 47 U.S.C. § 405; 47 C.F.R. § 1.429. Core instead must rely on the existence of a timely filed petition for reconsideration, i.e., Qwest's petition, to raise this issue. Qwest has withdrawn its petition, therefore, there is no longer a timely filed petition for reconsideration pending before the Commission upon which Core may rely to raise its argument.

⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Parties should also send a copy of their filings to Victoria Goldberg, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-A266, 445 12th Street, SW, Washington, DC 20554, or by e-mail to Victoria.Goldberg@fcc.gov. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in WC Docket No. 03-171 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com. These documents may also be viewed on the Commission's website at <http://www.fcc.gov/cgb/ecfs>.

For further information, contact Victoria Goldberg of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-7353.

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